



DIVISION OF  
ENFORCEMENT

UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
WASHINGTON, D.C. 20549

October 23, 2023

**VIA ECF**

Hon. Arun Subramanian  
U.S. District Court for the Southern District of New York  
Thurgood Marshall U.S. Courthouse  
40 Foley Square  
New York, NY 10007

Re: *SEC. v. Darius Karpavicius, et al.*, No. 1:23-cv-2205

Judge Subramanian:

Pursuant to Local Civil Rule 7.1(d), plaintiff U.S. Securities and Exchange Commission (“SEC”) respectfully requests an adjournment of the November 3, 2023 deadline for filing motions for default judgment contained in the Court’s Order dated September 14, 2023, ECF No. 42.

As reflected in the SEC’s September 14, 2023 Letter to Your Honor, the SEC has recently obtained new evidence causing it to consider whether to file an amended complaint in this action. The SEC is still in the process of gathering and assessing this additional evidence. If the SEC does file an amended complaint, it will be necessary to serve the defendants with the amended complaint and provide them with an opportunity to respond. Interests of judicial economy counsel in favor of not considering any motions for default until the SEC has resolved the question of whether to file an amended complaint.

To permit time for continued factual investigation of the newly-obtained evidence and for internal deliberation on the appropriate course of action, the SEC respectfully requests that the deadline for filing motions for entry of default judgment be extended until January 19, 2024. Since no defendant has entered an appearance, none would be prejudiced by the requested extension of time.

This is the SEC’s second request for an adjournment of this deadline. Since no defendant has entered an appearance, the SEC is unable to obtain any defendant’s position on the relief sought herein. There are no other deadlines in this case and the next

scheduled appearance before this Court is an Initial Pretrial Conference on October 26, 2023.

For the foregoing reasons, the SEC respectfully requests that it be permitted to file any motions for default judgment by January 19, 2024.

Respectfully submitted,

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